

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

PROGRESSIVE HAWAII INSURANCE)	
CORP.)	
)	
Plaintiff,)	Case No. 3:20-cv-00980
)	
v.)	Chief Judge Eli J. Richardson
)	Magistrate Judge Barbara D. Holmes
LINDA GARZA and JOSEPH PRIVETT,)	
)	
Defendants.)	
)	

ORDER DENYING MOTIONS FOR ENTRY OF DEFAULT

On March 1, 2021, Plaintiff Progressive Hawaii Insurance Corp. filed the pending Applications for Entry of Default as to Defendant Linda Garza (Doc. No. 12) and Defendant Joseph Privett (Doc. No. 13) pursuant to Federal Rule of Civil Procedure 55(a). For the foregoing reasons, Plaintiffs' Applications are **DENIED** without prejudice.

Pursuant to Local Rule 55.01, "[m]otions for entry of default under Fed. R. Civ. P. 55(a) must be accompanied by an unsworn declaration under penalty of perjury under 28 U.S.C. § 1746 verifying: (i) proof of service; (ii) the opposing party's failure to plead or otherwise defend; (iii) if the opposing party is an individual, that the opposing party is not a minor or incompetent person; and, (iv) if the opposing party is an individual, that the opposing party is not in the military service, as required by 50 U.S.C. § 3931(b)(1). Evidence from the Defense Manpower Data Center, or other reliable source confirming that the opposing party is not in the military service *must be appended to the unsworn declaration.*" L.R. 55.01 (emphasis added). In support of both Applications, Plaintiff provided a Declaration of Bradford D. Box, which verifies proof of service and Defendants' failure to plead or otherwise defend. (Doc. Nos. 12-1 and 13-1). However, the Declarations fail to verify that the Defendants are not minors or incompetent persons and they fail

to append to the Declarations evidence from the Defense Manpower Data Center, or other reliable source, confirming that the opposing party is not in the military service.” L.R. 55.01.

Accordingly, Plaintiff’s Applications for Entry of Default (Doc. Nos. 12 and 13) are **DENIED** without prejudice.

s/ Lynda M. Hill
Lynda M. Hill
Clerk of Court